



Bureau of Automotive Repair

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BAR Advisory Group Meeting Minutes

Tuesday, August 7, 2012

Department of Consumer Affairs
Bureau of Automotive Repair
10949 North Mather Blvd.
Rancho Cordova, CA 95670
Thunderbird Conference Room

Advisory Group Members:

Louis J. Anapolsky, Knox, Lemmon, Anapolsky & Schrimp, LLP
Sunny Campbell, California Service Station & Automotive Repair Association (CSSARA)
Drew Carlson on behalf of Jim Custeau, Automotive Technology Program Coordinator - Cuyamaca College
Paul Frech, President, Automotive Trade Organizations of California (AuTO-CA)
Johan Gallo, President, California Automotive Business Coalition (CalABC)
Wm. Drew Carlson on behalf of George Hritz, California Automotive Teachers (CAT) - College of Marin
Craig Johnson, Automotive Service Councils of California (ASCCA)
Jon McConnel, Independent Automotive Professionals Association
Jack Molodanof, Attorney, California Auto Body Association (CAA)
Susan Ward, California Emission Testing Industries Association (CETIA)
Rosemary Shahan, President, Consumers for Auto Reliability and Safety (CARS)
Chris Walker, Nossaman, Guthner, Knox & Elliott, LLP
Peter Welch, President, California Motor Car Dealers Association (CMCDA)

BAR Staff in attendance:

John Wallauch, Chief
Doug Balatti, Assistant Chief
Brian Newman, Deputy Chief
Gary Hunter, Air Quality Engineer
Jon Bilotta, Program Manager
Michael Lafferty, Program Manager
Gil DeLuna, Program Manager
Larry Sherwood, Supervising Air Quality Engineer
Dave Lewis, Sr. Air Quality Engineer
Paul Hedglin, Sr. Air Quality Engineer
Garrett Torgorson, Air Quality Engineer
Mark Fernandez, Program Representative Supervisor, sat in for Tim Corcoran
Samantha Lac

Welcoming Remarks and Introductions: John Wallauch

John Wallauch, Chief, Bureau of Automotive Repair, called the meeting to order at 9:30 A.M. On behalf of BAR, BAG members and the general public were welcome to the meeting in the new Bureau building.

Introduction by Michael Lafferty: BAG members and the general public – please sign in and provide your email address to us so BAR can communicate with you in regards to the upcoming BAG meetings. BAR is going green and paperless! With your email provided, Samantha Lac will be in touch with you regarding when the next meeting should be scheduled.

Round Table Discussion: John Wallauch

Open discussion - request feedback from members and consumers to see how you'd like this format of meeting, and how we can make it more effective. How soon should we meet together for the BAG meeting - quarterly, or twice a year? We would like to hear back from BAG members and recommendations on selecting agenda items.

Enforcement and Consumer Protection Update: Brian Newman

Enforcement focus is going to be on two things:

- One is consumer's protection and consumer protection has two components:
 - One is to keep the air clean and protect the consumer pocket book when they go in and have their car fixed.
 - Second component of Enforcement is level the playing field in the industry so that the worst guys are not in a situation where bad guys are able to compete unfairly because of false advertising or any other unlawful business practice.
- We're going to focus on misleading advertising.
- We're going to focus on unlicensed activities: those individuals and shops who should be licensed but are not.
- We are seriously looking at the clean piping arena. That's where the shop certifies a car without actually inspecting the car. They inspect a test mule to get a sample of the gas stream or used bottled gas.
- AB 2289 gave us the authority to take Enforcement action against those involved in smog falsification, and we are going to exercise it.
- BAR is going to shorten the process to take action against somebody to within 90 days.

AB 2289 Annual Report: Paul Hedglin

- Next year we will have actual performance statistics.
- Test Only and Test and Repair are required to meet inspection-based performance standards for the right to inspect directed vehicles (H&S 44014.2 & 44014.5).
- STAR program implements these standards.
 - Stations scored on short term performance measures based on required tests for specific vehicles.
 - Stations also scored on long term Follow-Up Pass Rate (FPR).

- Outreach: about 30 statewide workshops, online: STAR report training vignettes, regulations, Q&A's.
- Regulations adopted November 1, 2011.
- STAR reports released December 28, 2011, meeting January 1, 2012, preliminary report due date.
- STAR report improved to more user friendly format in June 2012.
- STAR applications began being accepted July 1, 2012.
- STAR program begins January 1, 2013.
- Directed Vehicle Inspection required at STAR station.
 - STAR stations have necessary BAR-97 equipment to perform required tailpipe test.
 - Best performing stations inspect most likely to fail vehicles.
 - Outreach: DMV renewal notice sending motorists to STAR station (October mail for January renewal).
 - Online station locator shows STAR stations in motorist's zip code.
- H&S 44050, 44052, 44056.
 - Expanded authority for administrative citations.
 - Raised to a maximum of \$5,000 per inspection or repair.
 - Ability to cite and fine technicians up to \$5,000 per incident.
 - Ability to levy civil penalties against any person who falsifies information in attempt to obtain certificate of compliance or repair cost waiver.
- Citation Process.
 - Workshops held in March 2011.
 - Draft regulations improved May 2012 after public comment period.
 - Proposed regulations filed with Office of Administrative Law on June 11, 2012.
 - Regulations adopted July 10, 2012.
- H&S 44036 allows BAR to adopt new equipment standards to incorporate OBD-focused equipment.
 - OBD Inspection System (OIS) required in all STAR stations, and required in all other stations inspecting 2000 and newer model year vehicles.
 - Only OBD reader must be BAR certified; ancillary equipment including: computer, bar code scanner, and printer are off-the-shelf.
 - State plans to provide Web page software.
 - Real-time vehicle identification through OBDII to reduce inappropriate testing and improve Smog Check performance.
 - DAD specification completed August 3, 2012.
 - Regulations anticipated adoption Early 2013.
 - Alpha testing in BAR laboratory, Spring 2013.
 - Beta certification testing likely in July 2013.
 - Start of inspections using new OIS equipment (20,000 tests)
 - Certification and statewide roll-out likely Fall 2013.
- Inspection Procedures.
 - H&S 44012 permits Smog Check inspection based on vehicle technology.
 - Requires 2000 and newer vehicles receive OBD-focused inspection in lieu of tailpipe test.
 - Under-hood visual inspection still required.

- Industry comment solicited on draft regulations and revised manual at workshops held in Spring 2012.
 - Regulation adoption anticipated Early 2013.
 - Procedures begin once new OBD inspection equipment is BAR certified, mid-2013.
- Referee Network.
 - H&S 44014 and 44017 delineate types of vehicles requiring Referee inspection.
 - Referee authorized to charge for services.
 - Referee services regulation package anticipated adoption late 2012.
- Other Improvements Include:
 - In January 2011 Repair Assistance eligibility limited to low income.
 - July 2012, consumers participating in Repair Assistance must pay test and diagnosis costs; only currently registered vehicles allowed into program.
 - Separate inspection and repair licenses.
 - Improved inspection training.
 - BAR standards, school designed content.
 - Improved qualifications (experience required) for repair license.
 - More comprehensive examination for both licenses.
 - Regulations adopted February 2012.
 - Improved training.
 - Examinations started August 2012.
 - Based on State standards, schools will be provided flexibility of content.
 - Variety of repair technician license update classes with subject matter driven by student need.
 - Starting August 2012 for licenses expiring January 2013.
 - Drafting regulations to update qualifications and performance of BAR-certified schools.
 - Improved school certification process.
 - Establish authority for school and instructor performance measures.
 - Expand scope of training.
- Question from attendee: Will station owners be held responsible for technician behavior? Answer: Yes. Brian Newman answered. However, if there are mitigating factors, they can request a hearing.
- Stations don't hear from motorists on CAP repairs after they tell them that they have to pay for diagnostic – John Wallauch answered, we will track these vehicles.

STAR Implementation: Garrett Torgerson

- STAR is on track for January 1, 2013, startup.
- BAR is reviewing applications for STAR certification mid-October 2012.
 - Inspectors with low FPR scores will need to be out of applicant station's EIS by then.
 - BAR has received approximately 1,000 applicants so far.
 - DMV registration documentation for directed vehicles due in January will be marked with STAR direction.
 - Qualifying stations will be able to hang signs starting in November 2012.

- Monthly scores and a Web page software update will be coming out probably within the next week.
 - Had to address some anomalies associated with low-volume stations that may not have performed inspections every month or in the last year or two.
- BAR receives lots of calls from the industry. Station owner and inspectors are nervous; BAR spends time addressing questions from the industry.
 - Procedures getting ironed out.
 - Over-conditioning.
 - Data entry (proper transmission type).
 - Gear shift – GM trucks.
 - Public are not going to STAR Web page unless they know a technician/station number – which is very rare.
 - Starting to see failure rate increasing in 1980 – 1996 models.
 - People wanting incidents changed – only if it affects their pass/fail on the STAR.

OBD Inspection System: Dave Lewis

- Wanted a device that is inexpensive.
- Model year 2000 plus vehicles subject to new OBD test, but devices have to work on 1996 and newer model year vehicles.
- Can purchase some components off the shelf.
- Manufactures may package OBD equipment with the required computers.
- Decision making on the State's VID, not locally like BAR-97.
- Manufactures will recruit stations for BETA testing. The new OBD tester will be able to issue certificates during BETA testing.
- The new OBD tester system will be capable of detecting aftermarket chips.
- The new OBD test system will not be capable of offline testing.

BAR 97 Retrofit: Dave Lewis

- BAR-97 is more than 14 years old now.
- BAR performed an informal survey and all wanted to just upgrade existing test equipment.
- BAR-97 will be used for several years, more years depending upon vehicle attrition.
- New proposed BAR-97 Spec allows changes such as modern motherboards, upgrade floppy drives to USB flash drives, etc.
- New proposed BAR 97 Spec will request more OBD data from vehicles.
- BAR hasn't received their new environmental chamber yet.
- New BAR-97 Spec will allow technicians to review and change more entries
- Visible Smoke Test will have a dedicated menu entry rather than the technician entering the test result in "Other".
- Every BAR-97 manufacture has issues of noncompliance with the current specification. Most have had problems dealing with security.
- At some point OBD based testing may roll back to testing of 1996 and newer model year vehicles.

Consumer Assistance Program Update: Mark Fernandez

- CAP resumed accepting applications for Repair Assistance and Vehicle Retirement beginning July 2012.
- Changes to CAP beginning this fiscal year, anticipate money last throughout the fiscal year.
- CAP Repair Assistance manual and training is online now.
- Approximately 40K vehicles retired and over 23K repaired through CAP last year.
- CAP received approximately 4K applications for Repair Assistance and nearly 12K applications for vehicle retirement since July 1, 2012.

Public Comment:

- Clean Screen – can consumer go and choose to participate? John Wallauch said, pilot will be randomly select vehicles.
- CAP subject to abuse – should have program audited to ensure that scrapped vehicle are not at the end of useful life and want us to handout CAP regulations.
- Concerned about response time for DAD.
- How much money of DAD? Dave Lewis said, he personally hopes around \$200.
- How is PZEV Program working? Should look at data that ARB has collected to determine if correct repairs are being made.

Meeting adjournment: 11:30 A.M., August 7, 2012

Next meeting: To be determined